



June 24, 2016

VIA ECF

Honorable Stanley R. Chesler
United States District Judge
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: Adjournment of Rule 16 Conference Date – *Kofi, et ano v. Acrow*,
Case Number 2:16-cv-00075-SRC-CLW

Dear Judge Chesler:

Our Firm represents the Defendant in the above-referenced action. We write to Your Honor today to request an adjournment of the Rule 16 conference that is scheduled for Wednesday, June 29 at 10:00 a.m.

Presently before the Court is Defendant's motion to dismiss or stay this action in favor of an arbitration proceeding in front of the International Chamber of Commerce ("ICC"). That motion is returnable on July 5, 2016. In the motion papers, Defendant argued that there is a comprehensive arbitration provision that governs this matter, which is included in the contract under which Plaintiffs seek relief. Defendant also noted that Plaintiffs themselves have commenced the ICC arbitration, thereby acknowledging that arbitration is appropriate. While Plaintiffs' response to the motion was due on Tuesday, June 21, no response was submitted at that time. Instead, on June 21, we received notice via ECF of the motion by Ade Omojola of Omojola & Associates, the attorney for Plaintiffs, to be relieved as counsel for Plaintiffs.

Given these circumstances – the pendency of a dispositive motion to which no opposition has been submitted, and a request by Plaintiffs' counsel to withdraw from further representation – and the resulting uncertainty about how and if the case will proceed, we do not believe that the Rule 16 conference would be fruitful at this time. For that reason, we respectfully request that the conference be adjourned until the pending motion is resolved.

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In addition, we take this opportunity to inform the Court of the unusual circumstances surrounding Mr. Omojola's request to be relieved as counsel. Once again, Mr. Omojola's motion to withdraw as counsel was submitted late in the evening of the day upon which Plaintiffs' opposition to the pending motion to dismiss was due, which date in turn had been extended for several weeks at Mr. Omojola's request. (Docket No. 17) Mr. Omojola supported his motion to withdraw with a certification signed by Plaintiff Kofi Osae-Kwapong on Friday, June 17, 2016 in which Plaintiffs stated they were directing Mr. Omojola to "refrain immediately from providing legal services to Plaintiffs," along with his own certification dated Monday, June 20. Nevertheless, on *June 21*, Mr. Omojola wrote several e-mails to Defendant's counsel seeking to stipulate to put this case "on hold" for some indeterminate period of time, without ever disclosing that he would no longer be acting for Plaintiffs. It is not clear why, if it had been determined that Mr. Omojola and his firm would no longer be acting as counsel to Plaintiffs, Mr. Omojola was nevertheless actively seeking to enter into a stipulation that would render the pending motion moot. What is clear is that, only after Mr. Omojola's request had been denied did Mr. Omojola submit his motion to withdraw as counsel, and in doing so, he specifically asked in his papers that action on the pending motion be "stayed."

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/

Kenneth C. Beehler

cc: Ade Omojola, Esq.